

PROVO RIVER DISTRIBUTION SYSTEM

Minutes of Annual Meeting
with State Engineer
by Board of Directors

January 10, 1963



Pursuant to the Articles of Association, as amended, and to call by the Chairman, due notice having been given, the Board of Directors of the Provo River Distribution System convened at 1:00 p.m. in Room 200 of the Utah County Court House.

Chairman Niels Andersen presided.

On roll call the following were present:

Ira C. Page, Vice Chairman	- Group 1	- Kamas Valley Canals Group
Sherman A. Giles	" 2	- Upper Provo, East Heber Valley
Floyd Bonner	" 3	- Upper Provo, West Heber Valley
Glenn A. Wright	" 4	- Provo City Canals
Stanley Roberts	" 5	- East Provo Canals
Niels Andersen, Chairman	" 6	- Provo Bench Canals
Elmer A. Seal	" 7	- Provo Res. Water Users Co.
Hampton C. Godbe, Secretary	" 8	- Provo River Water Users Association
Ernest Knight	" 9	- Upper Provo River Individual Rights

Also present were:

Wallace R. Wayman, Provo River Commissioner; I. F. Baum, deputy commissioner; B. Harold Mendenhall, Superintendent, Provo River Water Users Association; Alma Huber, Midway Irrigation Co., and Blaine Draper, Moroni, Commissioner of the Sanpete River System.

From the State Engineer's office the following were present:

Wayne D. Criddle, State Engineer of Utah; Donald C. Norseth, Distribution Engineer; Frank Reese, Business Manager, and his assistant, Dick Pexton.

(32) STATE ENGINEER GREETES BOARD

At request of the Chairman, State Engineer Criddle took the floor and expressed the appreciation of his office for excellent cooperation by the Board during the past year, and commended the Board members for their conduct of the river system's business. He said he wished personally to assure the Board that his office would bend every effort to continue such cooperation, and added that he believed the present method of organization of the system was living up to all expectations in providing an orderly, efficient means of transacting river affairs. Similar expressions were made by Chairman Andersen.

Mr. Criddle inquired if the Board wished to act upon its minutes of a year ago, and was informed that the minutes had already been approved, but that if so desired they would be read at this time. Since all members of the Board and the proper officers of the State Engineer's office all had received copies of the minutes and were familiar with their contents, and in the interest of saving time, and discussion having been had, Director Wright moved that a reading at this time be waived and minutes reapproved. Mr. Criddle having indicated his concurrence, Director Seal seconded the motion and it carried with all present voting aye.

(33) ANNUAL FINANCIAL REPORT BY MR. REESE

At request of Mr. Criddle, Mr. Reese reported the detail of river system funds, a copy of which report is appended hereto and by this reference made a part of these minutes. Mr. Reese said that the reason for the checkbook balance having increased from \$5,113.01 at the beginning of 1962 to the year-end balance of \$7,430.34 was due chiefly to the repayment, by special assessment, of \$1500 loaned to Class A users in the previous year.

Mr. Reese noted that all but \$11.62 of this special loan assessment had been repaid, and said he believed it to be a remarkable record in the keeping of good faith by the Class A users. He also introduced his assistant in the calculating of assessments and other work relating to the finances, Mr. Pexton.

(34) DELINQUENT ASSESSMENTS ACCOUNTS

In regard to the total of \$349.50 in delinquencies, Mr. Reese said the matter had been discussed with the Attorney General, who said he would enforce collection even if such enforcement requires taking the delinquents to court, so that ultimate collection was virtually assured.

(35) UNBUDGETED EXPENDITURE ON GROUP INSURANCE

Mr. Reese called attention to an unbudgeted expenditure of \$23.53, which he said came about by reason of group life insurance privileges provided for state employees Commissioner and Deputy during 1962 and which had not been anticipated at the time the budget was drawn but that, since the group premium is being shared on a 50-50 basis by the state, there was no recourse in the matter. Without formal motion it was the view of all present that the expenditure was a necessary and proper one.

After completion of Mr. Reese's financial report, Director Godbe moved adoption of the following resolution:

(35) Resolved, that Mr. Reese be commended for the excellence of his report; that the report be approved, and filed for record.

The motion was seconded by Director Seal and adopted with all present voting aye.

(36) RIVERSIDE COUNTRY CLUB WATER RIGHTS

Question having been raised by Commissioner Wayman, Mr. Norseth reported that water rights claimed by the Riverside Country Club had been thoroughly examined by the State Engineer's office and by the Attorney General's office, and found to be in proper order. It was brought out also that installation of measuring devices would be followed through.

(37) HEADGATE REPAIRS; WEIRS: MEASURING DEVICES

Mr. Criddle informed the Board that an inventory of needed measuring devices and diversion structures prepared by Com. Wayman, Deputy Com. Baum and Mr. Norseth under date of January 2, 1963, disclosed need of work at 16 diversion points, at a total estimated cost of about \$100. Authority was requested to draw upon river funds to the extent necessary up to \$100 for such work, the withdrawals to be replaced later by special assessment against the respective users involved.

Mr. Norseth said most of the users affected have had two to three notices ordering required work to be done, to no avail, thus making necessary enforced action by the State Engineer.

In the following discussion it was the view that in such instances the State Engineer should be free to use funds without specific limit as needed for enforcement, and Director Seal thereupon moved adoption of the following resolution:

(37) Resolved, that the State Engineer shall be and he is hereby authorized to use unappropriated funds of the river system as necessary for enforcement of repair work, weir construction, installation of measuring devices, etc., on the understanding that the river system's funds would be reimbursed therefor in due course from special assessment against the respective users involved.

The motion was seconded by Director Godbe and carried unanimously.

(38) EMERGENCY STORAGE OF CLASS A WATER IN DEER CREEK RESERVOIR

Com. Wayman recalled aid given to the Class A users in 1961 by the Provo River Water Users Association by permitting temporary storage of water in Deer Creek reservoir and suggested that a permanent arrangement ought to be made along such lines in the interest of conserving water.

In the ensuing discussion it was brought out that the Class A users have only a flow right, not a storage right; that water tributary to Utah Lake cannot be impounded for Class A benefit as a matter of law; that the Deer Creek reservoir cannot be infringed upon by others, without express consent and approval by the Association.

Mr. Criddle confirmed these viewpoints, and stated that his office is glad to cooperate by approving arrangements agreed upon as satisfactory by parties whose rights are conflictatory as against each other; but that such approval can be given only in the event of such an agreement, and not otherwise.

Mr. Godbe said he felt that the Provo River Water Users Association, in years of extreme drouth, would always do its best to aid other users of the river for maximum conservation of water; but that accommodations granted by the Association in the 1961 drouth must not be construed as setting binding precedents.

No action being required, none was taken by the Board.

(39) GAUGING STATION AT VIVIAN PARK

Com. Wayman called attention to recommendations in his annual report, wherein he stated that installation of a continuous recorder at the Murdock diversion dam downstream would have been of great value for measuring purposes, and he proposed that the gauging station at Vivian Park be abandoned and the recorder moved to and installed at the Murdock dam, with the idea that the Vivian Park installation is not worth its cost under present needs.

Mr. Criddle noted that such a move would require approval of the U. S. Geological Survey, which, on a 50-50 basis with the State of Utah through the State Engineer's office, installs and operates gauging stations; that it would cost about \$1000 to install a new station at Murdock; that the recorder itself is worth about \$225; and that if the recorder unit alone were moved, the U.S.G.S. would leave all other parts of the Vivian Park station intact, including the weir, gatehouse, etc.

Director Godbe requested Mr. Mendenhall to speak to this point, and Mr. Mendenhall thereupon pointed out that the recorder is essential at Vivian Park in order to know when the Provo River at that point drops below 510 second feet, since at such times Weber River water may be diverted to the Provo, if available, under Appl. 9580 to compensate therefor to the extent provided in the said application. Mr. Mendenhall said he agreed that a recorder at Murdock Dam would have value, but he urged that the river system buy the recorder at Vivian Park for \$225, retain and maintain it there for the Commissioner's use in connection with the Appl. 9580 water.

Director Seal asked that action on the matter be deferred, since he desired to determine whether the Provo Reservoir Water Users Company would desire to purchase the recorder in order to insure its being left at Vivian Park for Appl. 9580 requirements.

There being no objection, action was deferred on the understanding that the matter of changing the gauging station to Murdock dam would in any event be followed through by the Chairman and by the State Engineer, but that the recorder would remain there to be purchased, in the event of such a change, either by the river system or the Provo Reservoir Water Users Co.

Chairman Andersen informed the State Engineer of the voluntary agreement by the Utah Power & Light Co. to pay, on a temporary basis, 5% of the total budget of the Provo River system, this being the percentage it pays on a majority of the other river systems in which it holds rights; that for 1962 this resulted in increasing the company's payment by \$385, i.e., from \$300 as fixed by the Provo River decree to \$685 on the basis of the 1962 budget. He said the Board had reappointed its committee to endeavor to seek upward revision by other agencies whose payments are set by the decree at a flat rate, using the power company's offer as the basis of such upward revision.

Director Godbe, in response to question by Mr. Criddle, said the formula would be to ask such other agencies to increase in the ratio of \$300 to \$685, converted to terms of percent of the annual budget.

Mr. Criddle commended the Board for its efforts and said he believed the power company's offer and the proposed formula to be fair and equitable to all under the circumstances.

(41) RECOMMENDATION FOR COMMISSIONER AND DEPUTY

At request of the Chairman, Director Godbe reported, as Secretary of the Board, that at the annual meeting held January 9, 1963 the Board had unanimously recommended the reappointment for 1963 of Com. Wayman and Deputy Baum, with provision of a \$200 contract fund in the budget to defray cost of work two days per month by Sherman A. Giles as an understudy for Mr. Baum, this being the same as the arrangement worked out last year.

Mr. Criddle thereupon informed the Board that its recommendation would be accepted and approved by him.

(42) 1963 BUDGET ADOPTED; SAME AS FOR 1962, WITH MINOR CHANGES

Financial requirements for 1963 then were discussed, and it was the view of all present that the budget as set up last year was both necessary and sufficient for the river system's needs and that, except for the minor change in group life insurance costs as hereinbefore reported and for authority of the State Engineer to draw funds for enforcement work, no change is required.

Director Bonner thereupon moved adoption of the following resolution:

(42) Resolved, that the budget for the Provo River System for 1963 shall be and hereby is set at \$13,700, with the same itemization as in 1962, subject to the changes as hereinabove listed, and the State Engineer shall be and he is hereby requested to levy assessments against river system users accordingly and using the same assessment basis as was used in 1962; provided, however, that if additional upward assessments are agreed to voluntarily by flat rate users

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prior to the assessment notice deadline date, such increased assessments to be incorporated for 1963.

The motion was seconded by Director Seal and adopted with all present voting aye.

ADJOURNMENT:

There being no further business before it, the meeting adjourned, subject to call by the Chairman, on motion of Director Knight, seconded by Director Bonner and with all present voting aye. The time was 2:55 p.m.

Approved:

/s/ Niels Andersen
Niels Andersen, Chairman

Hampton C. Godbe
Hampton C. Godbe
Secretary